

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RLI INSURANCE COMPANY AND ALEA NORTH
AMERICA COMPANY A/S/O 430 OWNER CORP.,

Plaintiffs,

-against-

KING SHA GROUP, INC., CERTIFIED TESTING
LABORATORIES, INC., GOLDEN VALE
CONSTRUCTION CORP. AND S.T.A. PARKING
CORP.,

Defendants.

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Case No.: 05 CV 9961

Judge Lewis A. Kaplan

**AFFIRMATION IN SUPPORT
OF MOTION TO WITHDRAW
AND MOTION TO COMPEL
DISCLOSURE**

FRANK J. GILIBERTI, affirms the following under penalty of perjury:

1. I am a partner with RIVKIN RADLER LLP, attorneys of record for defendant, CERTIFIED TESTING LABORATORIES, INC., (hereinafter "CTL"). This affirmation is respectfully submitted with respect to the motion to withdraw of GOETZ FITZPATRICK, LLP, the present attorneys for GOLDEN VALE CONSTRUCTION CORP. and plaintiffs' motion to compel disclosure in the above-noted case.

2. The overall progress of this case has been delayed for factors having nothing to do with CTL. Under these circumstances, it is respectfully requested that the court extend the current discovery deadline, which was entered into good faith by the undersigned on behalf of CTL, to provide the remaining parties fair and adequate time to complete necessary discovery. As can be seen from the plaintiff's accompanying motion to compel discovery in this case, CTL

has complied with all scheduling orders and the Federal Rules of Civil Procedure and should not be prejudiced by the conduct of other parties to this litigation.

3. Under these circumstances, it is respectfully requested that the court issue a revised scheduling order extending the deadlines for discovery at least an additional 30 days.

WHEREFORE, the motion should be granted.

Dated: Uniondale, New York
May 17, 2006

s/_____
FRANK J. GILIBERTI